

DUPLICATE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION

UNITED STATES OF AMERICA : CRIMINAL INDICTMENT  
 :  
 v. : NO. 2:02-CR-038  
 :  
 WILLIAM EMMETT LECROY, JR. : (Superseding Indictment)

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

Pursuant to the requirements of 18 U.S.C. § 3593(a), the United States hereby gives notice that it believes that the circumstances of this case are such that, in the event the defendant is convicted of the capital offense relating to the death of victim Joann Lee Tiesler, a sentence of death is justified and that the United States will seek the death penalty.

Pursuant to 18 U.S.C. § 3591(a)(2), the United States will rely on the following preliminary factors to establish the defendant's eligibility for the death penalty:

1. The defendant intentionally killed the victim. 18 U.S.C. § 3591(a)(2)(A).

2. The defendant intentionally inflicted serious bodily injury that resulted in the death of the victim. 18 U.S.C. § 3591(a)(2)(B).

Pursuant to 18 U.S.C. § 3592(c), the United States will rely on the following statutory aggravating factors as justifying a sentence of death:

1. Heinous, cruel, and depraved manner of committing the offense. The defendant committed the offense in an especially heinous, cruel, and depraved manner in that it involved torture and serious physical abuse to the victim. 18 U.S.C. § 3592(c)(6).

2. Pecuniary gain. The defendant committed the offense in the expectation of the receipt of anything of pecuniary value. 18 U.S.C. § 3592(c)(8).

3. Substantial planning and premeditation. The defendant committed the offense after substantial planning and premeditation to cause the death of a person. 18 U.S.C. § 3592(c)(9).

In addition to the statutory aggravating factors set forth above, the United States will rely on the following non-statutory aggravating factors to justify a sentence of death pursuant to 18 U.S.C. § 3593(a)(2):

1. Future Dangerousness of the Defendant. The defendant represents a continuing danger to the lives and safety of other persons. The defendant has committed the acts alleged in the capital offense charged in the Indictment and in the statutory and non-statutory aggravating factors contained in this Notice, and, in addition, has committed and exhibited acts and characteristics including, but not limited to, the following:

- (a) Specific threats of violence;
- (b) Risk of escape;
- (c) Low rehabilitative potential.

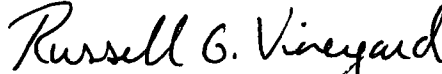
2. Victim Impact Evidence. As reflected by the victim's personal characteristics as an individual human being and the impact of the offense on the victim and the victim's family, the defendant caused loss, injury, and harm to the victim and the victim's family, including, but not limited to, the following:

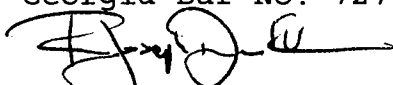
(a) Characteristics of victim. The defendant killed Joann Lee Tiesler, a thirty year-old nurse practitioner.


(b) Impact of the offense on the family of the victim. The victim's family has suffered severe and irreparable harm, and they have been denied the ability to share life with their family member.

Respectfully submitted,

WILLIAM S. DUFFEY, JR.  
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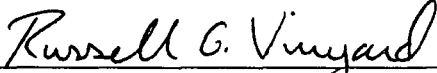
CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the persons listed below a copy of the foregoing document by hand delivery to:

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This 20th day of December, 2002.

  
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